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Security Council

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The Security Council,

Recalling its resolutions 2319 (2016), 2314 (2016), 2253 (2015), 2235 (2015), 2209 (2015), 2178 (2014), 2118 (2013), 1989 (2011), 1540 (2004) and 1267 (1999),

Reaffirming that the use of chemical weapons constitutes a serious violation of international law and *reiterating* that those individuals, entities, groups or governments responsible for any use of chemical weapons must be held accountable,

Condemning in the strongest terms any use of chemical weapons and toxic chemicals as weapons in the Syrian Arab Republic and *expressing* grave concern that civilians continue to be killed and injured by chemical weapons and toxic chemicals as weapons in the Syrian Arab Republic,

Expressing further alarm that chemical weapons have been used in Syria by non-State actors and that the so-called Islamic State (also known as ISIL or Da'esh), the Al Nusrah Front and other non-State actors used or have shown obvious intent to develop, acquire, manufacture, possess, transport, transfer, or use chemical weapons,

Reaffirming that no party in the Syrian Arab Republic should use, develop, produce, acquire, stockpile, retain or transfer chemical weapons,

Noting that additional allegations of chemical weapons use in Syria are being investigated by the Fact-Finding Mission (FFM) of the Organization for the Prohibition of Chemical Weapons (OPCW) and *stressing* the imperative for the FFM not to do so in a remote mode, which does not allow to ensure the necessary quality of the investigation,

Stressing the importance, as part of any investigation, of considering all possible leads and scenarios without exception, respecting the chains of custody to preserve the integrity of material evidence as well as conducting timely on-site visits, including collecting and analysing samples as appropriate, whenever security conditions allow,

Recalling that the FFM is not mandated to reach conclusions about attributing responsibility for chemical weapons use,

Reiterating that the OPCW-United Nations Joint Investigative Mechanism (JIM) should work in an independent, impartial and professional manner in implementing its mandate,

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Recalling that the United Nations Secretary-General in his letter to the President of the Security Council on 27 August 2015 committed to undertake the recruitment of impartial and experienced staff of the JIM to provide the relevant requisite skill sets on the basis of professional expertise and experience, with due regard to the importance of recruiting staff on as wide geographical basis as possible, which fully applies to the FFM, as provided in its Terms of Reference and the CWC,

Recalling paragraph 7 of resolution 2319 (2016), including with respect to the ability of the JIM to examine additional information and evidence that was not obtained or prepared by the FFM but was related to the mandate of the JIM,

Recalling further the Decision of the OPCW Executive Council EC-86/Dec.9 dated 13 October 2017, which encouraged States Parties to share, according to their national laws and as appropriate, information related to cases of developing, producing, acquiring, stockpiling, retaining, transferring, or using chemical weapons by non-State actors, as well as domestic investigations conducted with regard to chemical weapons, including information on any subsequent criminal or other legal proceedings undertaken,

Recalling that resolution 2319 (2016) encouraged the JIM, where relevant, to consult appropriate United Nations counter-terrorism and non-proliferation bodies, in particular the Committee established pursuant to resolution 1540 and 1267/1989/2253 ISIL (Da'esh) and Al-Qaida Sanctions Committee, in order to exchange information on non-State actors' perpetration, organization, sponsorship, or other involvement in the use of chemicals as weapons in the Syrian Arab Republic where the FFM determines or has determined that a specific incident in the Syrian Arab Republic involved or likely involved the use of chemical weapons,

Welcoming full and profound cooperation extended by the Government of the Syrian Arab Republic to the FFM and JIM in establishing facts related to the incidents with chemical weapons in Umm Hawsh and Khan Shaykhun,

Noting that the Government of the Syrian Arab Republic called upon the FFM and JIM to conduct the investigation at the scene in Khan Shaykhun and granted access to its Shayrat airbase, thus enabling the JIM and the OPCW experts to verify its premises by taking environmental samples for the presence of traces of sarin as it was allegedly delivered from there and used in Khan Shaykhun on 4 April 2017, interviewing in this regard the airbase staff, examining logbooks and aircraft stationed there,

Expressing its regret that the FFM and JIM failed to visit Khan Shaykhun and to collect environmental samples at Shayrat airbase although the necessary security and technical conditions, as the Council learnt, were in place,

Expressing also its regret that the samples the FFM relied on in the course of investigation lacked full chain of custody envisaged in the Working Instruction of the OPCW Technical Secretariat "Chain of Custody and Documentation for OPCW Samples On-Site",

Having considered the Seventh and the previous reports of the JIM,

Proceeding from the understanding that in view of the experience gained, there is the need for further improvements and update of the JIM's mandate as it was envisaged in paragraph 1 of resolution 2319,

1. *Decides* to renew the mandate of the JIM, as set out in resolution 2235, extended and expanded in resolution 2319 and in this resolution, for a period of one year with a possibility of further extension and update by the Security Council if it deems necessary;

2. *Reaffirms* paragraphs 1–4, 6–9, 12 of resolution 2235 as amended, where appropriate, by this resolution;

3. *Reaffirms* paragraphs 4–7 of resolution 2319 (2016);

4. *Calls on* the JIM and the FFM to engage into the closest cooperation on all the identified cases of the chemical weapons use in the Syrian Arab Republic in order for the investigation to be as full and comprehensive as possible, with due regard to all relevant procedures and methods;

5. *Reaffirms* that the JIM, when deemed appropriate, may request that the OPCW provide technical support to the JIM to conduct timely on-site visits to locations allegedly being exposed to the use of chemical weapons, and *invites* the OPCW Director-General to make resources available to the JIM, as appropriate, to enable such a visit;

6. *Urges* all parties in Syria and Member States with relevant capabilities to facilitate without any further delay free and safe access for the JIM to the sites relevant to the mandates of the FFM and the JIM;

7. *Calls upon* the OPCW Director-General to timely inform the UN Security Council through the UN Secretary-General of any difficulties encountered in organizing an on-site visit within the process of investigating a chemical incident, in order to make the UN Security Council aware of the problem;

8. *Recalls* in this regard that in its resolution 2118, it decided that the Syrian Arab Republic and all parties in Syria shall cooperate fully with the OPCW and the United Nations and *stresses* that this includes an obligation to cooperate with the OPCW Director-General and its FFM and the United Nations Secretary-General and the JIM, that such cooperation includes full access to all locations, individuals, and materials in the Syrian Arab Republic that the JIM deems relevant to its investigation and where it determines there are reasonable grounds to believe access is justified base on its assessment of the facts and circumstances known to it at the time, including in areas within the Syrian territory but outside of the control of the Syrian Arab Republic, and that such cooperation also includes the ability of the JIM to examine additional information and evidence that was not obtained or prepared by the FFM but that is related to the mandate of the JIM as set forth in paragraph 5 of resolution 2235;

9. *Calls upon* all other states to cooperate fully with the JIM and in particular to provide it with any relevant information they may possess pertaining to individuals, entities, groups or governments who were perpetrators, organisers, sponsors or otherwise involved in use of chemical weapons in the Syrian Arab Republic;

10. *Invites* the UN Secretary-General to ensure recruiting impartial and experienced staff with relevant skills and expertise and that due regard to be paid to as wide of a geographical basis as practicable for the JIM in accordance with paragraph 6 of resolution 2235 and the Terms of Reference, as outlined in document S/2015/697, and *encourages* the OPCW Director-General to take fully into account paragraph 8 of the Terms of Reference of the OPCW Fact-Finding Mission in Syria in what regards its composition;

11. *Requests* the JIM to dispatch as soon as possible an investigative team to the site of the incident in Khan Shaykhun to conduct full-scale investigation using the whole spectrum of relevant methods;

12. *Urges* all parties in Syria and Member States with relevant capabilities to facilitate without any further delay free and safe access for JIM's experts to the site of the incident in Khan Shaykhun and adjacent areas;

13. *Requests* the JIM to dispatch immediately another investigative team to Shayrat airbase in the Syrian Arab Republic to collect environmental samples in order to verify the allegations that sarin used in Khan Shaykhun had been stored at the airbase;

14. *Requests* the JIM in the light of paragraph 8 of its Seventh Report to re-evaluate its earlier assessments and conclusions regarding incident with chemical weapons use in the town of Sarmin since the JIM itself described as "improbable" the eventuality in which a chlorine-filled barrel bomb, dropped from a helicopter, could have impacted through the ventilation shaft with a matching dimension;

15. *Decides* that the JIM in conducting its investigations must be guided by high standards established by the CWC and, accordingly, use the whole spectrum of relevant methods envisaged in the above-mentioned Convention and in particular Part XI of its Annex on Implementation and Verification, which includes investigation, sampling, interviewing witnesses and collection of evidence and information on the site of an incident;

16. *Requests* the JIM in addition to provisions of paragraph 15 above to make use of the recommendations contained in its Fourth and Fifth reports (para. 49 and para. 11 respectively) in order to ensure full-scale, professional and high quality investigations;

17. *Directs* the JIM in the course of its investigations to make full use of evidence collected by the FFM in accordance with the CWC high standards, as referred to in paragraph 16 above;

18. *Requests* the JIM to retain its findings and the findings of the FFM, not based on the results of on-site investigation, as well as remotely collected evidence and information until such time, when full-scale and high quality investigation on the site of an incident becomes possible;

19. *Decides* that any JIM's investigation shall indispensably involve collection and analysis of additional information and evidence that was not obtained or prepared by the FFM but was related to the mandate of the JIM, including all information provided by the Syrian Arab Republic as well as others pertaining to activities of non-State actors with regard to using, developing, producing, acquiring, stockpiling, retaining or transferring chemical weapons;

20. *Reiterates* its support expressed in paragraph 5 of resolution 2209 for the OPCW Executive Council decision of 4 February 2015 to entrust the OPCW FFM with the task "to study all available information relating to allegations of use of chemical weapons in Syria" and *underlines* that paragraph 5 or other provisions of its resolution 2235 do not affect this tasking and do not limit it to determination that a specific incident in Syria involved or likely involved the use of chemical weapons only;

21. *Encourages* the JIM to consult and cooperate with appropriate United Nations counterterrorism and non-proliferation bodies, in particular the Committee established pursuant to resolution 1540 and 1267/1989/2253 ISIL (Da'esh) and Al-Qaida Sanctions Committee, in order to exchange information on non-State actors' perpetration, organization, sponsorship, or other involvement in the use of chemicals as weapons in the Syrian Arab Republic;

22. *Requests* the UN Secretary-General, in coordination with the Director-General of the OPCW Technical Secretariat, to submit to the Security Council, for its authorization, within 20 days of the adoption of this Resolution, recommendations on possible additional measures, if necessary, on strengthening

the JIM in the light of this resolution, and *expresses* its intent to respond to the recommendations within five days of their receipt;

23. *Requests* the JIM to collect and analyse information on trends in the activities of non-State actors involving preparations for use and actual use of chemical weapons and submit to the Council relevant analytical reports every three months;

24. *Requests* the JIM to submit to the Council and the OPCW Executive Council by 1 May 2018 and 1 November 2018 the reports on the results of its investigations conducted in full accordance with paragraphs 15 and 16 above;

25. *Decides* to remain seized of the matter.